Docket No.: 120534

DECLARATION UNDER 35 USC §371(c)(4) FOR PCT APPLICATION FOR UNITED STATES PATENT

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: COOLING DEVICE IN A CONSTRUCTION MACHINE described and claimed in international application number PCT/JP03/11857 filed September 17, 2003.

I have reviewed and understand the contents of the above-identified specification, including the claims, as

amended by any amendment referred to above. I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as

defined in Title 37, Code of Federal Regulations §1.56. Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

Japanese Patent Application No. 2002-362435 filed December 13, 2002.

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NUMBER 25944, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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2	Inventor's Sig	Inventor's Signature:		8th	2004		
3	Date of Signature:		Sept	Day	Year Japan		
	Residence:	Tokyo — City		State or Province	Country		
	Citizenship: Japan		c/o Shin Caterpillar Mitsubishi Ltd.				
	Post Office Address:						
	(Insert complete mail address, including co		try) 10-1, Yoga 4-chorne, Setagaya-ku, Tokyo, 158-8530, Japan				

Note to Inventor: Please sign name on line 2 exactly as It appears in line 1 and insert the actual date of signing on line 3.

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This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.

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	Post Office Ac (Insert comple address, inclusive) Full Name ator: gnature:	mature: mature: mature: mature: More Separation Tokyo City Ship: Japan Post Office Address: (Insert complete mailing address, including country) Mull Name Takahi Given N TAKAF TAKAF Kobe-shi City Japan	Given Name TAKAO September Month Tokyo Ship: Japan Post Office Address: (Insert complete mailing address, including country) Jall Name Takahiro Given Name Takahiro Give	Given Name Middle Initial TAKAO September Zoth Month Day Tokyo State or Province Ship: Japan Post Office Address: c/o Shin Caterpillar Mitsubishi Ltd. (Insert complete mailing address, including country) India Takahiro Takahiro Given Name Takahiro Given Name Takahiro Taka	Given Name TAKAO September Tokyo Tokyo State or Province Tokyo State or Province Country Ship: Japan Post Office Address: (Insert complete mailing address, including country) Jol 1, Yoga 4-chome, Setagaya-ku, Tokyo, 158-8530, Japan Juli Name Japan Takahiro Given Name Middle Initial Family Name Ocumbry Ocumbry OKUDAIRA Family Name OKUDAIRA Family Name OKUDAIRA OKUDAIRA TAKAHIRO OKUDAIRA OKUDAIRA Supt Month Day Year Japan Kobe-shi State or Province City State or Province Country

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Kouhei FUJITA et al.

Application No.: New U.S. National Stage of

PCT/JP03/011857

Filed: October 14, 2004 Docket No.: 120534

For: COOLING DEVICE IN A WORK MACHINE

TRANSMITTAL OF POWER OF ATTORNEY AND STATEMENT UNDER 37 CFR § 3.73(b)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

In compliance with 37 CFR §3.73(b), the undersigned hereby states that <u>SHIN</u> <u>CATERPILLAR MITSUBISHI LTD.</u> is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the patent application identified above. A copy of the assignment is attached hereto.

The undersigned is authorized to act on behalf of the assignee.

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE (703) 836-6400.

Respectfully submitted

Robert A. Miller Registration No. 32,771

JAO:RAM/cqc

Date: October 14, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

GENERAL POWER OF ATTORNEY

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Owner Name:

Shin Caterpillar Mitsubishi Ltd.

10-1, Yoga 4-chome,

Setagaya-ku, Tokyo 158-8530 Japan

hereby appoints the patent practitioners associated with Oliff & Berridge, PLC Customer No. 25944 as attorneys of record to prosecute any and all patents and patent applications in which this General Power of Attorney is filed, and all continuations and divisions thereof, owned in whole or in part by the above-named owner, and to transact all business in the Patent and Trademark Office.

The undersigned is authorized to execute this document as or on behalf of the owner.

ALL CORRESPONDENCE SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, CUSTOMER NO. 25944, TELEPHONE (703) 836-6400.

Date Sonack 30, 2004

Signature 4

Typed Name: Hideki Yui

Title:

Managing Director

(& Representative Director)